



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for PERMIT APPLICATION

15-Day Notice

Issue Date: July 18, 2003  
Expiration Date: August 2, 2003  
Corps of Engineers Action ID: 200200504

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** To become part of the record and be considered in the decision, comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GE (Grudzinski)  
2201 N. Broadway, Suite C  
North Bend, Oregon 97459

**Applicants:** Mr. Ralph Stacey  
Stacey Ranch  
2207 Lombard Street  
North Bend, Oregon 97459

Mr. Ray Wheeler  
92242 North Bank Lane  
North Bend, Oregon 97423

**Location:** Drainage ditches adjacent to China Creek, west of Milepost 7, Oregon Highway 42, near Coquille, in Coos County, Oregon. The project is in Township 27 South, Range 13 West, Section 28.

**Project Description:** The applicant is proposing to remove up to 13,130 cubic yards of sediment from unnamed drainage ditches adjacent to China Creek over a period of five years. Approximately 2,600 cubic yards of material would be removed annually. The ditches drain into China Creek west of the project site. The excavated material will be temporarily stockpiled on existing unsurfaced access roads adjacent to the ditches. Once dry, the material will be thinly spread (two inches) over 50 acres of adjacent wetland pastures. The removal would be accomplished with an excavator track-hoe working from one side of the ditch.

**Purpose:** To provide adequate drainage and prevent flooding in order to maintain agricultural productivity on farmed wetland pasture.

**Drawings:** Three (3) drawings enclosed.

**Additional Information:** Additional information may be obtained from Ms. Lisa Grudzinski, Regulatory Project Manager, U.S. Army Corps of Engineers at the address listed above, by (541) 756-5316, or email at [lisa.a.grudzinski@nwp01.usace.army.mil](mailto:lisa.a.grudzinski@nwp01.usace.army.mil).

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Coastal Zone Management Act Certification:** A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3) requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Essential Fish Habitat:** Preliminary determinations indicate that the proposed activity may affect Essential Fish Habitat for groundfish, coastal pelagic, coho salmon, and chinook salmon. Consultation under Section 305 of the Magnusen-Stevens Act. will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be

relevant to the described activity, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. In addition, comments are used to determine the need for a public hearing and the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WATER QUALITY 401 CERTIFICATION**

**Corps of Engineers Action ID Number: 200200504**

**Notice Issued: July 18, 2003**

**Written Comments Due: July 19, 2003**

**WHO ARE THE APPLICANTS:** Mr. Ralph Stacey                      Mr. Ray Wheeler  
Stacey Ranch    92242 North Bank Lane  
2207 Lombard Street                                      North Bend, Oregon 97423  
North Bend, Oregon 97459

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845, or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that “The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director’s final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing.”

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on August 2, 2003. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at [deq.infor@deqstate.or.us](mailto:deq.infor@deqstate.or.us). Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

# **PUBLIC NOTICE**

## **OREGON COASTAL MANAGEMENT PROGRAM**

### **CONSISTENCY CERTIFICATION**

**Date:** July 18, 2003

**Corps of Engineers Action ID Number:** 199601727

#### **NOTIFICATION:**

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital St. NE, Suite 200, Salem, OR 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

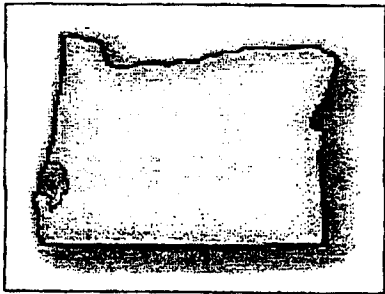
#### **REVIEW CRITERIA:**

Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include:

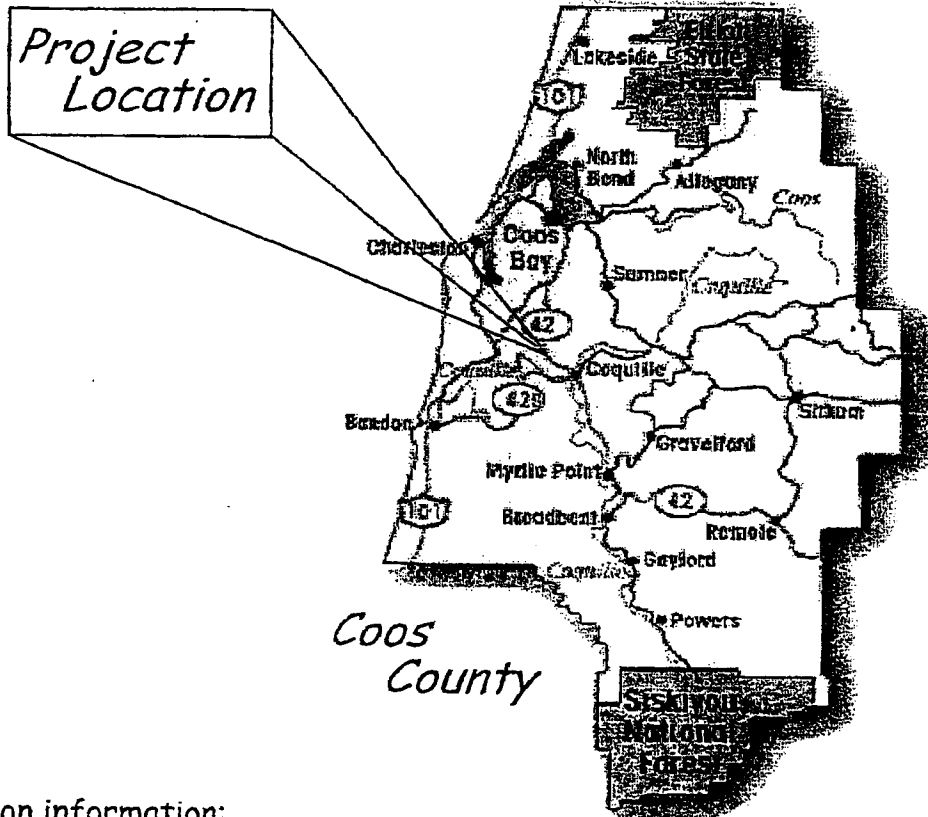
- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

#### **INCONSISTENT:**

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.

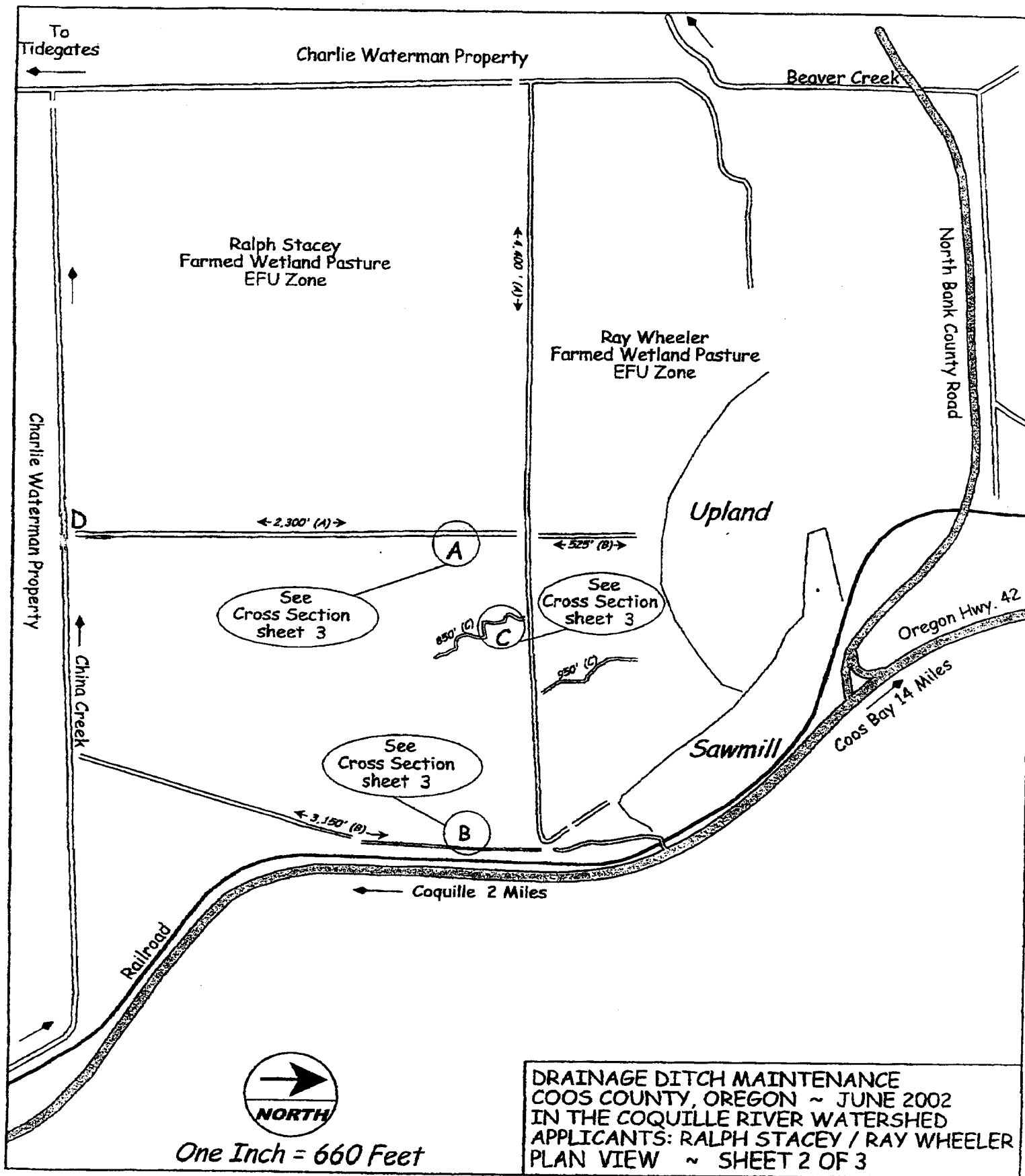


*Oregon*

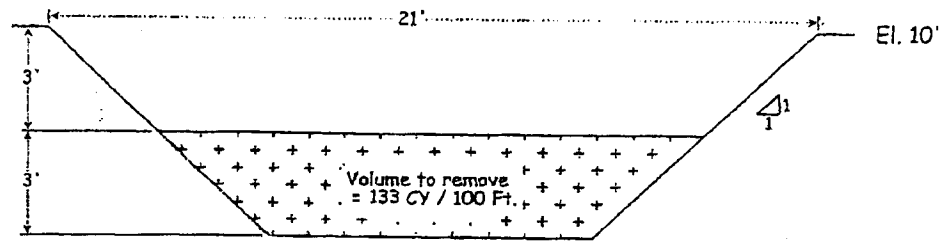


Location information:  
sections 21 / 28, T. 27 S., R. 13 W.  
lat. 43°12' 12", long. 124°15' 19"  
near mile post 7, Oregon Highway 42

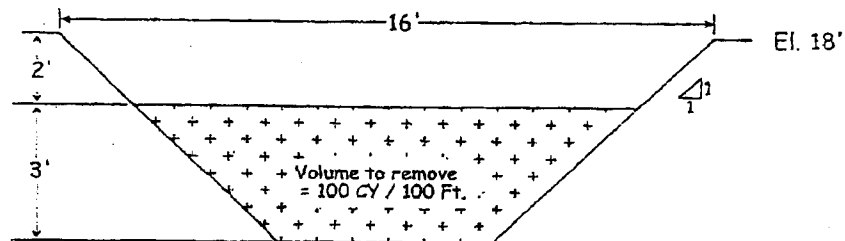
DRAINAGE DITCH MAINTENANCE  
COOS COUNTY, OREGON ~ JUNE 2002  
IN THE COQUILLE RIVER WATERSHED  
APPLICANTS: RALPH STACEY / RAY WHEELER  
LOCATION INFORMATION ~ SHEET 1 OF 3



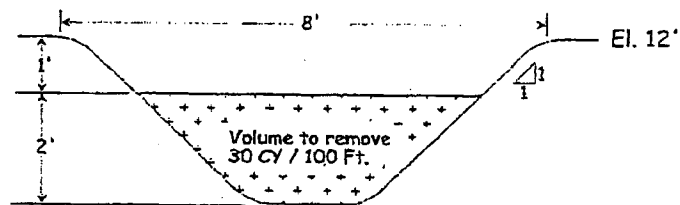




CROSS SECTION A



CROSS SECTION B



CROSS SECTION C

NOTES:

Elevations shown are based  
on WGS84 Datum and were  
interpolated from topographic maps

Total volume of material to remove:

A = 8900 cubic yards

B = 3675 cubic yards

C = 540 cubic yards

Thin layer spreading of dredged material  
at approximate 2 inch depth will require  
approximately 50 acres. Approximately  
300 acres are available for spreading.

DRAINAGE DITCH MAINTENANCE  
COOS COUNTY, OREGON ~ JUNE 2002  
IN THE COQUILLE RIVER WATERSHED  
APPLICANTS: RALPH STACEY / RAY WHEELER  
TYPICAL CROSS SECTIONS ~ SHEET 3 OF 3